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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,530	10/08/2003	Steven M. Casey	020366-092600US	7288
20350 7590 12/12/2008 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834				
EXAMINER				
CZEKAJ, DAVID J				
ART UNIT		PAPER NUMBER		
2621				
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12/12/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/681,530

**Applicant(s)**

CASEY ET AL.

**Examiner**

DAVID CZEKAJ

**Art Unit**

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-2, 11-12, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura et al. (5913078), (hereinafter referred to as "Kimura") in view of Tullis (6535243) in further view of Clapper (6023241).

Regarding claim 1, Kimura discloses an apparatus that relates to a camera capable of recording photograph information of the camera (Kimura: column 1, lines 8-11). This apparatus comprises "a location sensor" (Kimura: figure 2, wherein the location sensor is the GPS receiver), "an image sensor" (Kimura: figure 1, wherein the image sensor is the camera), "a microprocessor communicably coupled to the location sensor and image sensor" (Kimura: figure 2, wherein the microprocessor is the control section), "receiving a location from the location sensor" (Kimura: figure 2, wherein the GPS receiver will provide the location to the control section), "receiving an image from the image sensor" (Kimura: figure 1, wherein the camera will provide the image), and "associate the

location with the image" (Kimura: figure 48, wherein the location data is displayed along with the image data). However, this apparatus lacks the central monitor as claimed. Tullis teaches that remotely displaying images on a bigger screen allows many people to view captured images simultaneously (Tullis: column 7, lines 1-7). Clapper teaches that information provided by travel recorders is relatively limited (Clapper: column 1, lines 30-33). To help alleviate this problem, Clapper discloses "the central monitor plots the location on a map" (Clapper: column 5, lines 33-35). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Kimura and add the remote display taught by Tullis and Clapper in order to allow many people to view captured images simultaneously.

Regarding claim 2, Kimura discloses "a distance and direction sensor" (Kimura: figure 2, wherein the gyroscope provides the distance and direction), "receiving a distance and direction from the sensors" (Kimura: figure 2, wherein the gyroscope provides the information to the system), and "calculating a second location based in part on the first location, the direction, and the distance, wherein the first location is the location of the image sensor and the second location is the location of the object in the image" (Kimura: column 5, lines 35-49, wherein the location of the object is determined by using the direction, distance, and locations).

Regarding claim 3, Clapper discloses “a transmitter to provide the location of the object in the image to a query database” (Clapper: column 2, lines 56-67, wherein the query database is the excursion server).

Regarding claim 4, Clapper discloses “a receiver operable to receive description information from the database” (Clapper: figure 2, wherein the receiver is the IR interface).

Regarding claim 5, Clapper discloses “the object is a landmark wherein the information about the landmark is walking directions” (Clapper: figure 7, wherein the landmark is the Washington Monument; column 6, lines 47-52, wherein the walking directions is the navigation assistance).

Regarding claim 7, Clapper discloses “a display operable to display information selected from the following: the image” (Clapper: figure 7).

Regarding claim 8, Clapper discloses “access a map, wherein the map includes a route from the image sensor to the object and providing the map to the display” (Clapper: column 6, lines 55-59, wherein the map mode provides the route).

Regarding claim 10, Clapper discloses “associate the location from the sensor with successive frames of the image” (Clapper: column 4, lines 55-59, wherein the successive frames is the move clip).

Regarding claim 11, Kimura discloses “capturing an object image” (Kimura: figure 1, wherein the camera captures the image), “capturing a location of the image sensor” (Kimura: figure 2, wherein the GPS receiver captures the

location), and "associating the location with the object image" (Kimura: figure 48).

Regarding claim 12, Kimura discloses "capturing a direction of the image sensor, capturing a distance, and calculating a location of the object" (Kimura: figure 2; column 5, lines 35-49).

Regarding claim 13, Clapper discloses "providing a request for information about the object, wherein the request includes the location of the object" (Clapper: column 2, lines 28-65, wherein providing a request is taking the image of the landmark).

Regarding claim 14, Clapper discloses "receiving information about the landmark" (Clapper: column 2, lines 60-67).

Regarding claim 15, note the examiners rejection for claim 5.

Regarding claim 16, note the examiners rejection for claim 7.

Regarding claim 17, note the examiners rejection for claim 1, and in addition, Kimura discloses "storing the object image and information about the object" (Kimura: figure 9, wherein item 13 is memory used for storage).

Regarding claim 18, note the examiners rejection for claim 1.

Regarding claim 19, note the examiners rejection for claim 7.

Regarding claim 20, Kimura discloses "updating the display to include the image and the location" (Kimura: figure 30).

Regarding claims 21-22, note the examiners rejection for claim 2.

Regarding claim 23, note the examiners rejection for claim 3.

Regarding claim 24, note the examiners rejection for claim 4.

Regarding claim 25, note the examiners rejection for claim 5.

Regarding claim 27, Clapper discloses "the handheld camera is a video camera and a still camera" (Clapper: column 3, lines 54-67, wherein the still image is provided; column 4, lines 55-60, wherein a movie is provided).

Regarding claim 28, note the examiners rejection for claim 10.

Regarding claim 29, Kimura in view of Clapper disclose "an image capture device including an image sensor, location sensor, and transmitter, and a central monitor remote from the capture device operable to receive an image and location" (Kimura: figures 1-2; Clapper: figures 2 and 7).

2. Claims 6 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura et al. (5913078), (hereinafter referred to as "Kimura") in view of Tullis (6535243) in further view of Clapper (6023241) in further view of Kubota et al. (6401029), (hereinafter referred to as "Kubota").

Regarding claim 6, note the examiners rejection for claim 3, and in addition, claim 6 differs from claim 3 in that claim 6 further requires the information to be a menu for a restaurant. Kubota teaches that information in a database can include restaurant menus (Kubota: column 9, lines 18-36). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to implement the restaurant information in the database in order to provide more information to the user.

Regarding claim 26, Kubota discloses "the information includes rates of a hotel" (Kubota: column 13, lines 21-30).

3. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura et al. (5913078), (hereinafter referred to as "Kimura") in view of Tullis (6535243) in further view of Clapper (6023241) in further view of Fernandez et al. (6697103), (hereinafter referred to as "Fernandez").

Regarding claim 9, note the examiners rejection for claim 1, and in addition, claim 9 differs from claim 1 in that claim 9 further requires a topological map. Fernandez teaches that there is a need for more flexible and scaleable solution for monitoring remote objects (Fernandez: column 1, lines 25-30). To help alleviate this problem, Fernandez discloses "a topological map" (Fernandez: column 10, lines 5-10). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to implement the topological map in order to better help track objects throughout a scene.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID CZEKAJ whose telephone number is (571)272-7327. The examiner can normally be reached on Mon-Thurs and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dave Czekaj/  
Examiner, Art Unit 2621